



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

Date: April 9, 2012

Dr. Gregory J. Thorpe, Ph.D., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

SUBJECT: Federal Final Environmental Impact Statement, US 1 Improvements Project, Richmond County, North Carolina; CEQ No.: 20120054; TIP Project No.: R-2501

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency (EPA) Region 4 Office has received and reviewed the subject document and is commenting in accordance with Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The Federal Final Environmental Impact Statement (FEIS) include US 1 improvements of 14 miles of a multi-lane, median-divided facility on new location and 5.3 miles of widening along existing US 1 between Sandhill Road (SR 1971) to north of Fox Road (SR 1606). The total proposed project length is approximately 19.3 miles.

EPA staff has been participating in the NEPA/Section 404 Merger process for the proposed project. EPA provided comments on the Draft Environmental Impact Statement (DEIS) on September 22, 1999. A Supplemental DEIS (SDEIS) was issued in 2001 and EPA provided written comments on September 4, 2001 (Included in Appendix A.1). NCDOT and FHWA have provided a response to EPA's DEIS comments on pages 7-5 to 7-7 of the FEIS. Specific technical review comments on the FEIS are attached to this letter (See Attachment A).

EPA rated the DEIS alternatives as 'Environmental Concerns' (EC-2), with environmental concerns for potential impacts to jurisdictional wetlands and streams and impacts to the human environment. The rating of '2' indicates that DEIS information and environmental analysis was not sufficient and that additional information and analysis was required. EPA maintained its rating of EC-2 on the SDEIS recognizing that additional information had been provided by the transportation agencies.

EPA along with other agencies elevated Merger Concurrence Point 2A/4A, Bridging Decision and Alignment Review and Avoidance and Minimization Measures, on September 3, 2009. Based upon additional coordination and project environmental conflict resolution, EPA concurred on CP 2A/4A on April 2, 2011. Additional documentation for these Merger team efforts is included in Appendix A.4 of the FEIS.

In summary, EPA requests that the transportation agencies continue to look for opportunities to avoid and minimize impacts to jurisdictional aquatic resources during final project design. EPA also requests that the remaining technical comments included in the attachment be addressed in the Record of Decision (ROD).

Mr. Christopher Militscher of my staff will continue to work with you as part of the NEPA/Section 404 Merger Team process during the hydraulic review and final project design. Should you have any questions concerning these comments, please feel free to contact him at Militscher.chris@epa.gov or (919) 856-4206 or (404) 562-9512.

Sincerely,



Heinz J. Mueller
Chief, NEPA Program Office

w/Attachment

Cc: J. Sullivan, FHWA-NC
S. McClendon, USACE
R. Smith, USACE
B. Wrenn, NCDWQ
G. Jordan, USFWS
T. Wilson, NCWRC

Attachment A
Technical Review Comments on the FEIS
US 1 Improvements
Richmond County
TIP No.: R-2501

Project Impacts

The preferred alternative/Least Environmentally Damaging Practicable Alternative (LEDPA) include the following impacts:

Residential relocations: 97
Business relocations: 8
Stream impacts: 3,717 linear feet
Wetland impacts: 40.5 acres
Floodplain impacts: 9.8 acres
Noise Receptor impacts: 167
Terrestrial forests: 483.5 acres
Prime/Statewide Important Farmlands: 345.2 acres
Endangered species: 1 (MA-NLAA)
Section 4(f) resource: 1 (WRC Pee Dee River Game Land – 2.4 acres)

EPA notes the comments in Section 4.1.3.3 concerning Farmlands. The information provided in this section of the FEIS does not correspond to the impact table information of 345.2 acres of impact. The Farmland Protection Policy Act (FPPA) does not require ‘mitigation’ but ‘compensation’ for prime farmland losses. EPA requests that efforts to minimize potential impacts to prime farmlands as defined under Title 7, CFR Part 657 be addressed during final project design.

EPA notes the transportation agencies’ information on Mobile Source Air Toxics (MSATs) in Section 4.1.3.2.3 of the FEIS. EPA continues to not concur with the qualitative analysis and generalized assessment approach and requests that the identification of potential near-roadway sensitive receptors (e.g., Hospitals, daycare facilities, nursing homes, and schools) be included in Record of Decision (ROD).

Project Commitments

The transportation agencies’ project commitments (“Green Sheet”) are included in the FEIS. The project commitments concerning impacts to the flood hazard areas, the McDonald’s Pond Ecosystem Enhancement Program (EEP) wetland mitigation site, an archeologically significant cemetery, potential noise abatement measures, and the WRC Pee Dee River Game Land are noted. EPA recommends that these project commitments, where relevant and appropriate, be finalized during final project design and be included in the ROD.

Avoidance and Minimization Measures and Compensatory Mitigation

Stream and wetland avoidance and minimization measures and compensatory mitigation are addressed in Section 4.1.5.2.3 of the FEIS. Avoidance and minimization efforts are identified on page 4-22, including the avoidance of 13 of 24 streams in the corridor, 36 of the 55 wetland sites, and 7 out of 10 ponds. Bridge lengths at major stream and wetland crossings are also identified and include the reductions in potential impacts at these locations. EPA requests that the transportation agencies include the specific recommendations identified on pages 4-22 and 4-23, including the re-design of the US 74 Bypass interchange, in the project commitments for the ROD. Additional efforts to avoid and minimize impacts, especially wetland site #W18 (5.3 acres), #W21 (8.0 acres), #W26 (7.6 acres), and #W37 (5.0 acres), also be considered during final project design (e.g., Use of steeper slopes and retaining walls where feasible).

EPA acknowledges the efforts to avoid and minimize the impacts to the EEP McDonald's Pond wetland mitigation site and requests that improved coordination to avoid these potential conflicts in the future be considered by the U.S. Army Corps of Engineers, North Carolina Department of Environment and Natural Resources, FHWA and NCDOT.

EPA requests that compensatory mitigation for unavoidable impacts to jurisdictional aquatic resources through the EEP be 'in-kind' and within the hydraulic units (i.e., HU 03050103 and 03040105) of the Yadkin-Pee Dee River Basin.